

IN THE HIGH COURT OF JUDICATURE AT PATNA
Cr.Misc. No.17864 of 2008
SHAMSAD @ SHAMSHED
Versus
STATE OF BIHAR

2 13.5.2008

Heard counsel for the petitioner and the State.

The petitioner who is the second husband of the complainant apprehends his arrest in a case under section 498A of the Penal Code.

Learned counsel for the petitioner submits that earlier the complainant was married with one Md.Samsheer against whom she filed a case under section 498A of the Penal Code which was subsequently compromised between the parties. He further submits that after divorce the complainant married with this petitioner and has filed the instant case. He submits that the petitioner is still willing to keep the complainant with full dignity.

This court earlier by order dated 16.8.2007 passed in Cr.Misc.No.35350 of 2007 disposed of the anticipatory bail application of the petitioner with an observation that if the complainant appears in person and compromise the matter or expresses her desire to live with him then in that case the court below will extend the interim relief granted to the petitioner by this court.

It appears that neither the complainant appeared in the court below nor filed any compromise petition.

In the circumstances, the prayer for anticipatory bail of the petitioner is rejected. However, if the petitioner surrenders in the court below and pray for regular bail, that would be considered on its own merits without being prejudiced by the fact that he moved this court for anticipatory bail.

KHAN

(S.P.Singh,J)

